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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VÍCTOR RIVERA RIVERA, ERNESTO)	CASE NO. 3:11-CV-118-RCJ-VPC
SEBASTIAN CASTILLO RÍOS, VICENTE)	
CORNEJO LUGO, JESÚS GARCÍA MATA,)	PLAINTIFFS' MOTION TO VACATE
LUIS ÁNGEL GARCÍA MATA,)	CASE MANAGEMENT CONFERENCE
GAUDENCIO GARCÍA RÍOS, SIMÓN)	AND FOR ENTRY OF JUDGMENT
GARCÍA RÍOS, VICENTE CORNEJO CRUZ,)	
EMILIO MONTOYA MORALES, JORGE)	
LUIS AGUILAR SOLANO, DOMINGO)	
RAMOS RÍOS, ARTEMIO RINCÓN CRUZ,)	
SERGIO RÍOS RAMOS, PEDRO RIVERA)	
CAMACHO, GERARDO RÍOS RAMOS,)	
REGULO RINCÓN CRUZ, AURELIANO)	
MONTES MONTES, MANUEL RIVERA)	
RIVERA, JOSE BALDERAS GUERRERO,)	
VIRGILIO MARQUEZ LARA, MARTIN)	
FLORES BRAVO, individually and on behalf)	
of all other persons similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
PERI & SONS FARMS, INC.,)	
)	
Defendant.)	

1 Plaintiffs, through their attorneys, move the Court to vacate the September 1, 2011 Case
2 Management Conference that is currently scheduled in this matter and to enter final judgment in
3 Defendant's favor. Plaintiffs state in support as follows:

4 1. On July 27, 2011, the Court dismissed Plaintiffs' Second Amended Complaint but
5 granted Plaintiffs leave to file a Third Amended Complaint, only as to the breach of contract claim
6 and the state and federal wage claims insofar as they arose on or after February 16, 2009.

7
8 2. On August 11, 2011, the Plaintiffs filed a Notice of Intent Not to Amend Plaintiffs'
9 Second Amended Class Action Complaint.

10 3. In that pleading, Plaintiffs notified the Court that they intend to stand upon the
11 sufficiency of the allegations in their Second Amended Complaint and asked the Court to enter
12 final judgment in Defendant's favor.

13
14 4. In light of the Court's July 27, 2011, order and the Plaintiffs' stated intention not to
15 file a Third Amended Class Action Complaint, Plaintiffs ask the Court to vacate the Case
16 Management Conference currently scheduled in this matter for September 1, 2011, dismiss
17 Plaintiffs' Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), and
18 enter final judgment in Defendant's favor, so that Plaintiffs can pursue an appeal.

19
20 WHEREFORE, Plaintiffs ask the Court to enter the attached order, or such other similar
21 order that the Court deems appropriate.

22 Dated: August 24, 2011

Respectfully Submitted,

24 HUGHES SOCOL PIERS RESNICK &
25 DYM, LTD.

26 By: /s/ Christopher J. Wilmes
27 Christopher J. Wilmes
28 *One of the Attorneys for Plaintiffs*

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UNITED STATES DISTRICT COURT

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VÍCTOR RIVERA RIVERA, ERNESTO)	CASE NO. 3:11-CV-118-RCJ-VPC
SEBASTIAN CASTILLO RIOS, VICENTE)	
CORNEJO LUGO, JESÚS GARCÍA MATA,)	ORDER OF JUDGMENT
LUIS ÁNGEL GARCÍA MATA,)	
GAUDENCIO GARCÍA RÍOS, SIMÓN)	
GARCÍA RÍOS, VICENTE CORNEJO CRUZ,)	
EMILIO MONTOYA MORALES, JORGE)	
LUIS AGUILAR SOLANO, DOMINGO)	
RAMOS RIOS, ARTEMIO RINCÓN CRUZ,)	
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)	
Plaintiffs,)	
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vs.)	
)	
PERI & SONS FARMS, INC.,)	
)	
Defendant.)	

1 1. On July 27, 2011, the Court dismissed Plaintiffs' Second Amended Complaint but
2 granted Plaintiffs' leave to amend a Third Amended Complaint.

3 2. On August 11, 2011, the Plaintiffs filed a Notice of Intent Not to Amend Plaintiffs'
4 Second Amended Class Action Complaint.

5 3. In that pleading, Plaintiffs notified the Court that they intend to stand upon the
6 sufficiency of the allegations in their Second Amended Complaint and asked the Court to enter
7 final judgment in Defendant's favor.
8

9 4. In light of the Plaintiffs' recent filing, the Court hereby dismisses Plaintiffs' Second
10 Amended Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) and
11 enters final judgment in Defendant's favor.
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13 5. The September 1, 2011 Case Management Conference is vacated.

14 6. This matter is closed.
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16 IT IS SO ORDERED:
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19 UNITED STATES DISTRICT JUDGE,
20 DATED:
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